

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1360 of 2017

Arising Out of PS. Case No.-217 Year-2017 Thana- PATLIPUTRA District- Patna

1. Abhijeet Ranjan son of Sri Dilip Kumar Das, resident of Mohalla- Gandhi Murti, Road No. 2, Patel Nagar, Police Station- Shastri Nagar, District- Patna- 800 023.
2. Sunny Kumar, son of Sri Anil Kumar Mahto @ Anil Mahto, resident of 829/605, Pirmuhani, Lane- 3, In front of Devi Dayal High School, P.S.- Kadamkuan, District- Patna.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government Of Bihar, Patna.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Inspector of Police-cum- Station House Officer, Patliputra Police Station, Patna.
6. Balbrind Prasad, son of not known to the petitioner, at present posted as Sub- Inspector of Police, Patliputra Police Station, Patna.
7. Krishna Prasad, Sub- Inspector of Police- cum- Investigating Officer at present posted as Sub- Inspector of Police, Patliputra Police Station, Patna.
8. The Principal Secretary, Excise Department, Govt. of Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Murari Prasad Sinha, Advocate
For the Respondent/s : Mr. Vikash Kumar, S.C.-11

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 28-02-2023 Heard learned counsel for the petitioners and
learned counsel for the State.

This application has been filed for quashing of
F.I.R. vide Patliputra P.S. Case No.217 of 2017 registered for
the offences under Sections 420, 379, 120-B of the Indian Penal
Code, under Section 66(C) of the I.T. Act and under Section



27(A)(B)/38(1)(2) of the Bihar Prohibition & Excise Act, 2016.

As per the F.I.R. the Police, received a secret information that some persons are consuming liquor in a flat and on the basis of the said information, the Police party went to the said flat and apprehended some persons. Upon search of the apprehended persons, PAN Cards, Aadhar Cards and A.T.M. cards were recovered. In course of interrogation, co-accused Ashish Gupta and Rabindra Kumar Gupta disclosed that they are running a company and they used to cheat foreigners in the name of discrepancies in their Emigration Form such as, date of birth, name, spelling of name. They also disclosed that the petitioners are the proprietor of the said company.

From reading of the F.I.R., it appears that *prima facie* case is made out against the petitioners. Therefore, the F.I.R. cannot be quashed.

Considering the aforesaid facts and also the law laid down by the Hon'ble Supreme Court in the case of *M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and others* reported in (2020) 10 SCC 118, this application is dismissed.

(Sandeep Kumar, J)

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